

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GRACE ELLEN BOTWRIGHT,

Plaintiff,

v.

Case Number 08-12998-BC
Honorable Thomas L. Ludington

AMERICAN POSTAL WORKERS UNION,

Defendant.

**ORDER ADOPTING JUDGE BINDER'S REPORT AND RECOMMENDATION,
GRANTING MOTION TO DISMISS, AND DISMISSING PLAINTIFF'S COMPLAINT
WITH PREJUDICE**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 64] on January 12, 2011, recommending that Defendant American Postal Workers Union's motion to dismiss be granted [Dkt. # 62]. Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Accordingly, the Union's motion will be granted and Plaintiff's complaint against the Union will be dismissed with prejudice.

Accordingly, it is **ORDERED** that the Judge Binder's report and recommendation [Dkt. # 64] is **ADOPTED**.

It is further **ORDERED** that Defendant American Postal Workers Union's motion to dismiss [Dkt. # 62] is **GRANTED**.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 1, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 1, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS